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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHNATHAN RODRIGUEZ,

Plaintiff,

vs.

JAMES RIVER INSURANCE
COMPANY; DOES 1 through 5; and
ROE CORPORATIONS 1 through 5,
inclusive,

Defendant.

Case No. 2:21-cv-01111-JCM-BNW

**STIPULATION AND ORDER TO
STAY DEADLINES**

Defendant James River Insurance Company ("Defendant" or "JRIC"), by and through its counsel of record, Jared G. Christensen, Esq., Jeffrey W. Saab, Esq., and Caryn R. Schiffman, Esq. of Bremer Whyte Brown & O'Meara, LLP and Plaintiff Jonathan Rodriguez ("Plaintiff") (collectively the "Parties") by and through its attorneys of record Dane of record Joseph L. Benson, II, Esq. and Dane M. Watson, Esq. of the law firm Benson & Bingham hereby file this stipulation to request a stay of the remaining discovery deadlines and dispositive motion deadline and joint pretrial order deadlines accordingly.

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Introduction and Procedural Background

This case involves a claim for underinsured motorist (“UIM”) benefits arising from a two-car motor vehicle accident, which occurred on Boulder Highway, in Henderson, Nevada on or about February 24, 2019. On that day, Plaintiff was a rider/passenger in non-party Wei Wang’s 2013 Hyundai Sonata. Plaintiff was the restrained rear-passenger on the right side of the vehicle. Non-party Mr. Wang was approaching the intersection of Boulder Ranch Avenue. At the same time, a vehicle driven by the tortfeasor Parkinson was driving a 2017 Ford Fusion containing four passengers and attempted to execute a left-hand turn onto Boulder Highway which caused the subject accident. At the scene of the accident, the tortfeasor was cited for failure to yield. The third-party tortfeasor was insured with GEICO. The third-party tortfeasor, insured through GEICO, accepted 100% responsibility for the subject accident. Consequently, GEICO tendered policy limits of \$25,000.00. At the time of the subject incident, Plaintiff had UM coverage issued by Defendant, James River Insurance Company (“JRIC”). From this accident, Plaintiff is alleging injury to his neck, back, and left shoulder.

On May 6, 2021, Plaintiff filed suit in Eighth Judicial District Court, which was assigned the following case no. A-21-A834208-C against Defendant “James River TPA Services, Inc. aka James River Insurance Company.” Because JRIC was incorrectly named in the complaint Plaintiff amended the complaint. On June 11, 2021, Plaintiff filed an Amended Complaint which correctly identified Defendant as Defendant James River Insurance Company. The Amended Complaint alleges breach of contract against JRIC Defendant filed its Notice of Removal in the United States District Court of Nevada on June 11, 2021, based upon diversity. [ECF No. 1]. Defendant filed its Notice of Removal on June 11, 2021. Defendant filed its Certificate of Interested Parties on June 11, 2021, and its Statement of Removal. On June 14, 2021, this case was assigned to the Honorable Judge James C. Mahan via minute order. [ECF No. 4]. On June 21, 2021, Defendant JRIC timely filed an Answer

with all applicable affirmative defenses. [ECF No. 5]. On July 12, the Parties participated in the FRCP 26 conference. The Parties timely filed the Joint Status Report on July 14, 2021. [ECF No. 6]. The Joint Discovery Order and Scheduling Order was filed on or about July 23, 2021, which set the relevant discovery dates in this matter. [ECF No. 15]. On or about November 19, 2021, the Parties filed their First Stipulation to Extend due to scheduling conflicts with initial expert disclosures. [ECF No. 18]. And on or about January 25, 2022, the Parties filed their Second request due to conflicts with rebuttal expert disclosures. [ECF No. 20]. The Parties have each disclosed initial and rebuttal reports and now need a final extension due to scheduling conflicts for the remaining depositions and the Parties are actively engaging in settlement negotiations. At this juncture the Parties mutually agree to a thirty-day stay of the deadlines in an effort to use their resources to settle this case.

Below, please find a chart depicting the current deadlines

Deadline	Current Deadline
Amend Pleadings or add parties	Completed
FRCP 26(a)(2) Initial Experts	Completed
Rebuttal Experts ¹	Completed
Dispositive Motions ²	04/21/2022
Pretrial Order ³	05/23/2022⁴
Discovery cut-off	03/24/2022
Last day for extension or modification of Discovery Plan and Scheduling Order	03/03/2022

¹ The disclosure of rebuttal experts and their reports shall proceed according to FRCP 26(a)(2) and LR26-1(e)(3).

² This deadline is 30 days after the revised close of discovery.

³ The Parties will prepare the joint pretrial order on or before May 20, 2022, which is not more than 30 days after the revised date set for filing dispositive motions as required by LR26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive motions or until further order of the Court. The disclosure required by FRCP Rule 26(a)(3), and objections thereto, shall be included in the pre-trial order.

⁴ The deadline fell on Saturday, May 21, 2022, and pursuant to FRCP 6 the deadline was continued to the next business day, Monday, May 23, 2022.

**BREMER WHYTE BROWN &
O'MEARA LLP**

BENSON & BINGHAM

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Nevada State Bar No. 11261
Caryn R. Schiffman, Esq.,
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*Attorneys for Defendant
James River Insurance Company*

By: /s/ Dane Watson
Joseph L. Benson, II., Esq.
Nevada State Bar No. 7276
Dane Watson, Esq.
Nevada State Bar No. 13982
Attorneys for Plaintiff

ORDER

IT IS ORDERED that ECF No. 21 is GRANTED.

IT IS FURTHER ORDERED that, by 4/25/2022, the parties must file either a joint status report reporting that they settled or a stipulation regarding revised discovery deadlines.

IT IS SO ORDERED

DATED: 4:45 pm, March 23, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of March 2022, a true and correct copy of the foregoing document was electronically delivered to CM/ECF for filing and service upon all electronic service list recipients.



Kay Agustin, and Employee of
BREMER WHYTE BROWN &
O'MEARA, LLP

Kay Agustin

Subject: FW: SAO Stay 1356.392 Discovery Conference

Importance: High

From: Dane Watson <dane@bensonbingham.com>

Sent: Tuesday, March 22, 2022 3:12 PM

To: Caryn R. Schiffman <cschiffman@bremerwhyte.com>

Cc: Kay Agustin <kagustin@bremerwhyte.com>; Jeffrey W. Saab <jsaab@bremerwhyte.com>; Amy Sulanke <amy@bensonbingham.com>

Subject: RE: Discovery Conference

*** This is an external email ***

This is ok, you have my permission to e-sign

Thank you

Dane Watson Esq.

Associate Attorney

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From: Caryn R. Schiffman [mailto:cschiffman@bremerwhyte.com]
Sent: Tuesday, March 22, 2022 12:39 PM
To: Dane Watson <dane@bensonbingham.com>
Cc: Kay Agustin <kagustin@bremerwhyte.com>; Jeffrey W. Saab <jsaab@bremerwhyte.com>; Amy Sulanke <amy@bensonbingham.com>
Subject: RE: Discovery Conference

Hi Dane,

Attached please find the SAO to Stay. Please let me know whether I can insert your electronic signature. Thank you,

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